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The Relations
of
Church and State
historically considered.



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THE
RELATIONS OF CHURCH AND STATE
HISTORICALLY CONSIDERED.

Two Public Lectures

DELIVERED

AT OXFORD

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BY

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CHICHELE PROFESSOR OF MODERN HISTORY.

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THE first of these Lectures was written with the view of supplying a connected account of a subject which, during a course of Lectures on English History extending over three or four Terms, it was not easy to treat in detached fragments; and the second grew out of the first. They are not published under the belief that they can throw any fresh light upon a subject with which most persons are tolerably familiar, but partly to comply with the request of those who heard them, and partly because it was thought that there might be others to whom an elementary treatise on the Relations of Church and State would not be unacceptable.

The Relations of Church and State Historically considered.

LECTURE I.

THE time has perhaps passed when theories of the relations of Church and State could command attention. Warburton, Paley, Coleridge, Arnold, Mr. Gladstone, and Lord Macaulay, have each in his turn had his day. None of their contributions have been without value; but their way of dealing with the subject was, perhaps, rather suited to a past generation than the present. Rightly or wrongly, we are learning to look more to facts than to theories, and to inquire into the history of what we see around us rather than to rest satisfied with philosophical discussions. We are learning to recognize that a thing which we have inherited from a remote period stands on a footing which does not admit of our considering it sufficiently treated when merely dealt with as an open question, or put before us as a matter of choice whether we shall accept it or not. If we find our inheritance impaired, it is to history as well as to reason and policy that we must look for light upon the repairs which that inheritance may from time to time demand.

The two last-named writers have given us, each

from his own point of view, the highest results of the controversy in its abstract form. It might not be useless to attempt an impartial statement of what was left at the end of that controversy; but it will be sufficient for our purpose to say that, while the most determined adherents of Church principles will scarcely support, any more than Mr. Gladstone himself is supposed to support, every statement or every deduction in the able work of that writer's younger days, there are in all probability very few Churchmen of any kind in the present day who would accept the fundamental principles on which the most brilliant of essayists has built his structure. Few would now be willing to forget the lessons of all history, and exclude the establishment of religion from the prime functions of government. Few take so false a view of morality, the only basis and bond of government, as to suppose that it can exist without a Faith; few believe that such a Faith can lay a firm hold on the various elements of a scattered society without the assistance of the State; few, at least amongst Churchmen, would doubt what that Faith must be. Few would now consider it a sufficient argument to point out that a Railway Company, a Club, or a Joint Stock Bank, perform their functions without any agreement on religious matters; or that because it may happen that two portions of an army can combat in unison, although of different creeds, that therefore a nation as a whole must be considered free from all responsibility for the Faith of those who compose it. We may indeed have been slow in learning lessons of toleration, but the most tolerant do not find themselves obliged to give up the position that the public recognition and support of the Christian religion, as taught by the Church,

is the best possible condition for a nation ; and that all which falls short of it is a deterioration, a condition to be deplored, a condition to be delayed as long as possible, if it is still possible to save the principle upon which alone a Church Establishment can be properly retained. When we hear such a deformed and really unnatural position as that of an organized State without an Established Religion, not excused on the ground of untoward circumstances, but held up to admiration as theoretically superior to all others, we are irresistibly reminded of a certain ancient fable about a fox that had lost its tail.

What, then, are the facts as to the relations of Church and State in this country? What is the history of those relations? What have we inherited? What do we now possess of our inheritance? What have we in common with other branches of the Church? What do those other branches possess? We cannot in two short lectures do much more than indicate the lines of inquiry, but that may be better than nothing.

We must start with an axiom. The Church is One, Catholic, and Apostolic. She may be separated into parts, and thus shorn of her proper glory, but her parts are in essence entirely homogeneous. Each branch possesses exactly the same sacred deposit which was entrusted to the Church at the beginning in order to be handed on to the end of time: and of this deposit if any part is lost by any branch, that branch ceases to belong to the one Whole. Each branch owns the same Divine Head, refers back to the same original Constitution, rejects all notion of any subsequent origin. The bishops and clergy of each branch of the Church are the appointed guardians of the one deposit. That view of the Church of England which would degrade

her, nay, transform her whole existence, by asserting her to be the mere creature of the State, an invention of the Tudor princes, has been too often refuted to require notice here; it is contrary to the best-known facts. She has the same lineaments as her sister Churches of the East and West; her connection with the State may be of a different kind, but it leaves her equally possessed with them of all that constitutes a true branch of the Church. Let us glance for a moment at the general condition of State-connection in those other branches, and in order to do so let us mark the principles upon which the connection was first formed in the undivided Church.

Under the heathen Emperors, surrounded by enemies, and afflicted, yet strengthened, by persecution, the Church, like Israel in Egypt, silently grew and multiplied. Her internal organization, derived from the Apostles, had so much in common with the local institutions under which the Græcized populations of the East flourished, that, by the time the civilized world had grown ripe for the establishment of Christianity, the ecclesiastical framework of society had become the most vigorous and permanent force to be found on the face of the earth. It would be more correct to say that the Church of the fourth century forced the State into combination with her, than to speak of the Emperors as patrons of the Church. No other policy than an acknowledgment of Christianity as the State religion could have made government possible. The mass of the people of the East, the source from which the army was so largely drawn, had seriously and intelligently embraced Christianity; the political power of Paganism was gone. From the East the State-Christianity, retarded by the different nature of

Western society and institutions, gradually, in spite of all obstacles, made its way. The powers of the whole Roman world became the powers of Christ.

And now, through the divisions amongst Christians, began the struggles between Church and State, the struggles between those of the people who most regarded political government, supported by the still-existing influences of Paganism, and those of them who most regarded ecclesiastical interests. The struggle is gathered up into the persons of those who represent either class. At first the Emperor is the "nursing father" of the Church, whose supremacy over all its external and civil affairs is readily and gratefully acknowledged, and whose presidency at General Councils is gracefully conceded; the clergy are the free subjects, not the tools, of the civil power. But the independence of the ecclesiastical organization begins to excite the Emperor's jealousy. He begins to dread, and not without some reason, an *imperium in imperio*. The heresies with which the Church was never to cease from contending afforded a party within its own bosom for plots and alliances. To divide and conquer became the policy of the civil government. Yet, as we all know, after the bitter conflict of the fourth century, the victory was given to the "faith once delivered;" and so completely was the principle established throughout the Roman world of a strict adherence to that faith as guarded (not altered) by General Councils, that the adhesion of the Emperors to orthodoxy became a political canon, never afterwards to be overthrown. It became an unalterable law of the Empire. The ecclesiastical machinery of their subjects might still be used by the Eastern Emperors for civil purposes, but the doctrinal independ-

ence of the Church was henceforth secure. It was based on the people. The knowledge of, and interest in, the faith were not confined to an upper or middle class; they were the inheritance of all. As the Eastern Empire creeps on into the Byzantine, we may find Emperors deposing Patriarchs, or even temporarily interfering against the faith, but that faith had taken too firm a hold to be overthrown. At the worst of times some Emperor was raised up who made it his pride to secure the privileges of the Church. Philosophers may sneer at the insignificance of the point on which the multitude may in times of danger have made a stand; but the extreme obstinacy with which the outworks were defended had no slight effect on the final defence of the citadel. The sacred deposit was more and more defiled with superstition, more and more degraded by the servility of its guardians, more and more weakened by puerilities; but the long and interesting, though melancholy records of Byzantine history still, to the last, shew a real and effective independence of State dictation on all matters concerning the faith.

And we know how the constancy of the Oriental Church, thus marvellously maintained through so many ages, was rewarded. We know how when the clouds gathered round her, when the last attenuated thread of Christian government at Constantinople was rudely snapped, the Church had done her work; how, in spite of corruptions, she had handed down her sacred deposit through the long ages of Saracen and Turkish oppression; and how, when that oppression had wholly destroyed Christian independence, when the faults of Church and State had worked out their punishment, the Church was still to be seen preserved as by a miracle amidst the wreck.

And we know not only how it has been itself preserved, but what has been the consequence. The tenacity with which the faith has been retained by the Greek and Slavonic races has in its turn kept their nationality alive during a prolonged slavery; and these long-suffering people appear once more to be about to enter—some indeed have already entered,—upon a happier period. It is the second time in these classic regions that civilization has been saved by the Church; for without the national vitality afforded by the Church of the fifth and sixth centuries the barbarian invasions which proved fatal to the West would most surely have been equally fatal to the East. What was witnessed then we are witnessing in a different form now.

And in the history of Russia we may read in somewhat different characters the same story. There, through the traditions derived from Constantinople, have reappeared many of the phases of Byzantine history. There also we read the history of a domineering civil power, a too servile Church; but there also we find the one indispensable claim to orthodoxy, the unaltered, undiluted Faith, the same to-day as it has ever been*. And it has survived (humanly speaking) for the same reason as the mother Church; it has fastened on the hearts of the people; it is mixed up most intimately with their whole social and domestic life; it is anchored so firmly that no profane or un-

* One of the most easily accessible proofs of the primitive purity of the doctrines of the Oriental Church may be found in the tract written by His Eminence Philaret, Metropolitan of Moscow, when he was Professor of Divinity at Petersburg in 1815, and lately republished with his sanction by the Russo-Greek Committee of the American Church. Copies can be obtained through the Eastern Church Association, 22, Boltons, London, S.W.

scrupulous Czar, no turbulent faction of nobles, has attempted to shake it with permanent success. The connection of Church and State is stamped with the peculiar marks of Russian nationality, in many respects so Oriental, so unlike our own; but the only true terms of that connection are in the main understood. The Church applies her utmost influence in the service of the State; the State supports and protects the Church. The State keeps a certain check—on the whole perhaps a salutary check—upon the action of the Church in its temporal relations, but well knows within what bounds it is safe to interfere. Anything approaching to State interference with doctrine is, it is needless to say, never dreamt of. The Church is governed by Churchmen, and the voice of the Emperor is heard through them. The memory of patriarchs like Philip and Nikon is not extinct. If the office of Patriarch has been extinguished by a Peter, the Holy Governing Synod is at least no bad representative of ruling power in the Church^b.

The scene changes when we turn to look at the relations of Church and State in Western Europe, but we find the same landmarks. The Teutonic settlers in the Empire erect nationalities of a type very different from that of Constantinople. The religion of the Church is the religion of the conquered; the Church does not all at once come into connection with the State; it takes time to establish relations between

^b "From the above account it may appear how utterly false is the modern notion, so industriously circulated by Roman Catholics, that in Russia the Church is the mere creature of the State; whereas probably, at the present moment, it enjoys more freedom in that Empire than anywhere else in the world."—(*Neale's "History of the Holy Eastern Church,"* vol. i. p. 58.)

both parties; and, when they are formed, it is between the conquerors and the clergy of the conquered people, scarcely at all between the conquerors and the people themselves. Thus the idea of an *alliance* germinates, and soon colours more or less the whole history of modern Europe. The Church comes on the stage of the barbaric nations from a point external to themselves, either from the midst of conquered natives owning a sort of allegiance to the Roman Patriarch, or direct from Rome itself, a spiritual centre, which claims a right of interference and which receives the deference due from a daughter to a mother Church.

And now, as the incoherent barbaric kingdoms decay, and scatter, and again reform, with every variety of shape, almost like the fantastic combinations of the kaleidoscope, the Church, with the ecclesiastical order very highly developed, and with her all-embracing bond of unity in the highest contrast with the shifting chaos of political anarchy around, gains rapidly and steadily in relative strength. As conquered Greece took captive her captors, so the conquered Romans vanquish the Teutonic conquerors. At each change of dynasty it becomes more and more worth the while of the State to court the ecclesiastical order. Church and State become interwoven with one another; the national Assemblies are more or less Church Councils, the Church Councils more or less national Assemblies: at length we have in the West, not uninfluenced by the example of the Byzantine Empire, so august even in its decadence, and to these barbarians so mysterious and unapproachable, a system of connection between Church and State almost as intimate as that of the East. It is equally based on the condition of orthodoxy on both

sides, equally arises out of political necessity, is equally subject to danger at the hands of particular princes, above all it equally provides for the substantial independence and freedom of the Church in matters of doctrine and discipline. Here, however, is the distinctive difference. While in the East the strong hold of orthodox belief on the middle and lower classes of society formed a barrier within the State against which all permanent oppression was shattered, in the West the external authority of Rome supplied a considerable part of the support.

And truly this authority was much needed; for the aristocratic structure of Roman society in the Western Empire had lost nothing of its prevalence by the settlement of the Teutonic tribes. It only took a new form. The Feudalism of the Middle Ages excluded the masses from any real share in government, nor were they assembled in any centre of power from which their weight could tell as it told at Constantinople. Had not Rome been appointed as the mistress of the nations, as the make-weight in the balance of forces, as the standard to which all national Churches could turn, laying from generation to generation its quiet grasp on the brute hand of power, it is not easy to see what in those rude times could have saved the Church from utter degradation. Had Rome but given to the nations the Liturgy in the vernacular, an advantage from which the Oriental Church had derived all along so much strength, how different might have been the history of Christendom! But how different also had her part been in that history! As it was, the good she was provided on purpose to do lasted on till the nations were trained sufficiently to act without her. The critical time was bridged over. The

Church's spiritual independence of the State was secured as a condition of her connection with it.

And now, as the Papal corruptions increased, as the pretensions of Rome became more hollow, and her influence began to be undermined by her own self, the national Churches on their part began to base themselves more securely on the people. The rise to power of the Third Estate synchronized with the decadence of Rome. Church and State had to fight out the battle in each nationality with varying results. The power of the Papacy is almost destroyed by its French captivity, its fatal schism. The Councils of the West are summoned to answer that appeal which Rome can no longer be trusted to hear; and they prepare the way for the great religious change which was soon to follow. Then comes the time when the relations of Church and State are to be watched under new conditions in those countries where the yoke of Rome was thrown off. Those countries had inherited all the machinery, all the guarantees, of spiritual independence—national Councils, appeals to a common standard, freedom of action and self-government within certain bounds. How did they fare? how in their changed form did they retain their inheritance?

Our present purpose does not require us to trace in detail, though a very valuable study in itself, the relations of Church and State in those countries of the West where the Reformation did not shape all such relations afresh. Directly or indirectly no doubt the Reformation has affected those countries also. New Concordats have been framed, or old ones modified. But in all alike the very terms of their connection with Rome, and through her with Roman Christendom, have supplied some sort of guarantee over and above

that existing in the nation itself for the preservation of doctrine and discipline. Whatever else those countries have lost by their failure to throw off the Roman corruptions, they have kept some sort of equivalent. If in them, as with ourselves, the State has often used the Church improperly for its own ends, has appointed Bishops for mere political purposes, has checked the proper freedom of Church action, and, even where conscientiously attempting to keep within its prescribed duty of preventing action prejudicial to the State, has often overstepped those bounds, yet doctrine, and, in the main, discipline, have been secure. The Church is ruled through Churchmen; the public opinion of the Church cannot be overborne. The old struggle, so familiar to ourselves before the Reformation, between the national and Roman interests, may be constantly going on, but the substantial independence of the Church on matters vital to her existence is an axiom beyond all dispute.

Nor shall we at present venture on that wide conspectus of Church-and-State relations in the Reformed Communions of Europe which would supply us with endless examples of variety in this matter; some, as in Prussia, exhibiting a pure Erastianism; some, as in Sweden, a Church-independence, especially in the appointment of Bishops, (though existing along with a Royal Supremacy,) which is in many respects a complete model^c.

^c "In the Church law of 1686 it is said that the oversight, care, and protection of the Church and Commonalty are intrusted by God to the King. It is not understood in Sweden that by these expressions the King has authority over faith, or worship, or matters purely spiritual, but only over such things as concern the Church in her outward relations, and in reference to her union with the State." "His right to

We shall for the remainder of these lectures confine ourselves to our own country, and in order to understand our modern condition must take a rapid survey of the early history of English Church-and-State. It may not be unprofitable to count over our treasures. It is no insular self-complacency which prompts us to see that we conserve our inheritance. The very statement of our privileges carries with it a lofty style of superiority which no other nation in the world can boast. For have we not here in combination what all others possess only in some mutilated form? Have we not monarchy and self-government, order and liberty, stability and progress, in the State, intimately bound up, by a law and a custom as old as the State itself, with a Church, as pure as the Primitive Church, and not wanting, as tested by her Orders and her formularies, in any of the formal characteristics which the definition of a true Church requires? If we understand clearly how such a Constitution has come down to us, we shall the better understand how in the midst of political changes its substantial features may be retained.

It is scarcely necessary to say that we should not be in our present position if the foundation of this most remarkable of all Church-and-State connections had

appoint the Archbishop and Bishops, as also the pastors of the so-called royal benefices, he exercises under many limitations. It is ruled by law, and the King always chooses one of the three persons presented to him as elected by the majority of voices among the clergy, a choice to which he is also limited in the case of the pastors of congregations, except in the royal benefices.”—(*History of the Reformation in Sweden*, by L. A. Anjou, Councillor to the King of Sweden. Translated by Dr. Mason. New York, 1859. Appendix, pp. 660, 661.)

The true succession of the Swedish Episcopate is also defended with much force in this book by Professor Knos, of the University of Upsala. (*Appendix*, p. 634.)

not been solidly laid during the four centuries which preceded the Norman Conquest. It is not a thing of yesterday. More than a thousand years have passed since the relations of Church and State were so intimately blended in this country with the very roots of the Constitution, so taught to interpenetrate one another in all functions of government, that, to use an old simile of which we have been lately very forcibly reminded^d, they may well be compared to the mysterious and inseparable connection between the soul and the body of the individual man. But it should be observed that even then, so wisely did the far-reaching mind of our Teutonic ancestors look before and behind its immediate sphere of operation, so wonderfully were all the so-called accidents of the times guided for the best, that this government was never, on the one hand, a government by priests, never, on the other hand, a slavery on the part of the Church. Owing a debt to Papal Rome more directly due and greater in amount than any other of the barbaric kingdoms founded on the ruins of the Empire, yet the independence of the national Church as regards Rome was not compromised. With Bishops powerful in the Witangemote, and seated side by side with the Earl in the Courts, the spectacle of a State governed by ecclesiastical Councils was never, even under a Dunstan, witnessed in England, as in Gothic Spain. The Councils of the Church were free and frequent, yet, as they depended not on the authority of the Pope, so neither did the King usurp any further power in them than that his consent should be held necessary in important matters. Converted by monks, and receiving from monastic institutions, not yet debased, all the benefits

^d Hook's "*Archbishops of Canterbury*," vol. iii., Introduction.

they were then able to afford ; governed by kings and nobles who have supplied perhaps in proportion to their number a larger contribution to the army of saints than any other aristocracy ; no portion of the Western Church so jealously guarded the marriage of their clergy, none more strenuously supported their parish priests against the ever-strengthening array of the Regular Ecclesiastics.

Where shall we look for the causes of this marvellous moderation of spirit, exceptional as it is, though not by any means unalloyed by a rude and phlegmatic temperament ? Was it in any degree the consequence of our insular position ? Was it part of that Christian inheritance derived from Celtic missionaries and the Oriental Church (transmitted through Gaul) which affected the infancy of the Saxon State, not so perceptibly as the Roman form, but far more powerfully than is generally supposed ? Was it due to the overwhelming preponderance of the Teutonic blood, so different from that mixture of races which obtained in other provinces of the Empire ? All this, no doubt ; but still more, perhaps, the wisdom taught by suffering. Not in vain had the Danish invasions for a time submerged both Church and State in seas of blood. The premature civilization of a people too early taught to exchange the sword for the gown and the ploughshare, the inherent weakness of a too rapid political education, were thus checked and strengthened. Together Church and State had suffered, together they rose ; rose with a firmer and a wiser attachment to one another. If both were yet once more to fall into a condition too unhealthy for permanence, if the complement to the great qualities of the race was yet to be found in a kindred stock, trained under more intellectual and more chival-

rous influences, if years of bitter suffering were yet to refine the political and ecclesiastical institutions of England, they were now too entirely one to be again separated. They were together strong enough to assert in the course of ages the mastery over all the power of their conquerors.

Observe how the Saxon principles were for ever, so to speak, "cropping up" in after history. It is no mere fancy. We are accustomed at this place to trace this Saxon influence on our laws; it is no less evident in the relations of Church and State. On Saxon precedents the very conqueror (using them, no doubt, for his own objects) grounds his resistance to the Papacy, when, in the flush of his victorious career, Hildebrand demands that submission from the Crown which this country had always steadily refused. It was the Saxon freedom of the Church which, as each Norman monarch ascended a throne, not his by natural right, he was obliged to give a charter to protect. It was on Saxon principles, in the main, that Henry II. and his great legal advisers sought to establish the relations of Church and State against what was, no doubt, the conscientious resistance of Becket. It was the Saxon spirit which supported and avenged the champion of the Church when secular oppression turned the unbending priest, who was at least half a knight, into a martyr. It was the Saxon spirit which stood behind the barons at Runnymede, which drove out the French locusts in the time of John's feeble son, and which, under the auspices of Edward I., the first monarch who thoroughly represented it, once more consolidated a true and equitable relation between the Crown and the Altar. From the time of the great Edward to that of Henry VIII. it was the Saxon spirit which was surely

and progressively modifying our feudal institutions, delivering the Church and State from one after another of the Roman innovations, and ensuring that when the great change came, it should prove, not as in some other countries a revolution, but a true Reformation; not indeed an unmixed blessing, but a change which left Church and State substantially what they were before, and capable of passing on to future generations all that was of essential value in either. That Saxon polity shewed such wonderful vitality because it was of the only sterling sort. It was a free and independent branch of the Church in close relation with a free State. And it may be worth remarking that the Faith of that Church was in all the most important points identical with that represented by our own modern English Prayer-book*.

With the Norman Conqueror came a new phase of Church and State. Dr. Hook has once more supplied us with an apt illustration. "The union thenceforth may be compared to the union between man and wife in one household. Although the general interest was one and the same, there was room for misunderstandings, disputes, and even for divorce. The almost immediate effect was a struggle for the mastery between two powers, the civil and ecclesiastical. If they were no longer one in action, who was to have the dominion?" The metaphor might be much further extended; for it is the same in other words which is implied in that "original compact" of old writers, the field of many a contention in Constitutional battles.

* Lathbury on Convocation, p. 47, (second edition); Soames, "History of the Anglo-Saxon Church," *passim*. Lingard, in his "History and Antiquities of the Anglo-Saxon Church," has weakened the force of some of Soames's arguments, but he can scarcely be said to have disproved the statement in the text.

What the supposed original compact was, which no one ever saw, but which is none the less surely implied in the relation of Sovereign to subject, that and no less, as Bishop Warburton has remarked, was present in the new alliance of Church and State. A free and voluntary choice on both sides once made and unalterable, a sacred tie, a mutual benefit, a respect for the rights and privileges of each, a forbearance with the shortcomings of either, a studious care to avoid irritating disputes, the notion of protector and protected, of functions separate yet accordant, of a graceful deference due to the weaker party so long as it keeps its own place, supreme only in its own department—all this was implied in the alliance, and took a concrete form whenever the government of both parties fell into good hands. That during the disputes which so often occurred, the inevitable consequence of human imperfection, these abstract notions are often scarcely traceable, is no argument against their existence and constant presence. We note the storms because by their fury they force themselves on our attention; we take the calm weather as a matter of course, and make no note of it.

The confusion which is for ever besetting this subject now demands our notice. In England before the Conquest, as in the early Roman Empire, it is easy to conceive of the same members of the State in their double capacity. In their civil capacity they are the State; in their ecclesiastical, the Church. The king and his nobles, the bishops and the clergy, are the representatives of the same people on either aspect of their position. It is an incorporation of soul and body. But now the Conqueror has dissolved that peculiar tie, and has introduced the Continental, the Roman, system. The clergy and the laity are separated in

the Courts of Law. The Bishop no longer sits with the Earl; the clergy are tried in the Bishop's Court for criminal as well as civil offences. Separate interests, separate customs, separate bodies of law, take the place of the old united system. We find two rival wills, two separate *personæ*. The Canon Law, formed in the next century, gives shape and permanence to the Ecclesiastical Courts; the Common Law grows with its marvellous growth, entwined with the affections of the people, or at least of the upper classes, in the secular Courts. That rivalry between the clergy and the lawyers, which is said to have left its marks on society even to the present day, which has found its constant expression in the struggles between the Courts of Chancery and Common Law, as well as in so many of the political conflicts of our history, was then commenced. Henceforth we find it scarcely possible to think of Church and State except as represented by the civil government on the one hand, by the clergy on the other. We lose sight of the laity in general as a part of the Church; and yet we know they are there all the while. We know that the "Church" is just as much the people of England regarded in their spiritual capacity, and ministered to by properly constituted spiritual persons, as in Saxon times. This is the source of many of the errors made in discussion. Men are talking of two different things under the name of "Church."

We may convince ourselves of the difficulty of clearing our minds on the subject by observing how well-informed people even yet, after attention has been drawn to the error for so many years, persist in speaking of such and such a person's "going into the Church," when they mean to say that he is going to

take Holy Orders. This error, which has so worked itself into our very language, has perhaps been one cause of the dangers to which the Church has been exposed. It is one of those legacies of medievalism of which we did not get clear at the Reformation; it is the ground of that cold carelessness, or at best lukewarmness of support, which leaves the battle to be fought by those who without the laity at their backs are powerless in the conflict with evil.

It is more correct then to say that the struggle between the State and the clergy as an order commenced with the Conqueror. The weight in the balance lost by the clergy in consequence of the change in their position was partly compensated by the far closer external connection with Rome, partly by the far more systematized alliances now made at home with whichever section of the body politic might best serve their turn at different times. The Conqueror, for instance, having, with Lanfranc's efficient help, taken care to Normanize the clergy as a means of securing his Conquest, the close connection between the Crown and the clergy is the first phase of the alliance. Not Charlemagne when he planted the clergy as a garrison in the midst of ferocious half-subdued borderers, not a Byzantine Emperor when his well-drilled Bishops were his most efficient State-officers, more sagaciously used his ecclesiastics both of the higher and lower orders for the discipline of his subjects than William the Conqueror. Nor was ever prince better served. The cathedrals and the parish churches of the present day bear witness to the zeal and ability of the Norman ecclesiastics; the great place secured for their order in the new organization of the realm, the wrecks only^f which are now visible, was their reward.

It can scarcely be doubted that when the traces of conquest had been somewhat obliterated by time, whatever may be set on the other side of the account, a change for the better had come over the clergy of this island. They became more learned, more active, more accomplished,—not less devoted. And there can be no doubt that their relative strength as a body had made an immense stride. What Guizot has remarked with regard to the clergy of the Empire, when the barbarians settled in its provinces, was here experienced in a still more marked manner, though on so much smaller a scale. With every class of society, with every one of the forces of the State, the Normanized clergy soon began to blend their interests. At first their fortunes depend on that of the Crown: with keen sagacity they support those members of their great patron's family who were most likely to secure that "good peace," and devote that attention to the land of their adoption which they saw, far more clearly than others, to be necessary for the healing of its wounds. With vast possessions, and with a feudal state like that of the barons with whom they were assorted, with seats in the Great Council of the Realm, often exceeding in number those of the laity, the hierarchy move about among the fierce Norman aristocracy their equals and not seldom their superiors. And each year they take up more and more of the down-trodden people into their ranks, swelled in number as those ranks were in that age to an extent we can scarcely measure now; till at the end of less than a century the ecclesiastical order, with its arms extending in every direction, its head in the Great Council and the King's Court, its foot in every parish of the realm, is the arbiter and guide of the whole nation. And, as if this were not

enough, the support of Rome, needful at times to curb the lawless will of a Rufus or a Beauclerc, to check the policy, good in the main, of an imperious Henry Plantagenet, to restore the trembling balance of regal power when the overwhelming forces of the barons, with French help, had well nigh extinguished it, to protect in fact and foster the liberties of the country, as it most surely at times, in the infancy of the Constitution, did,—this support of Rome was also at the disposal of the clergy.

No wonder then that with all these advantages, to which may be added, what was closely connected with them all, the superior education and mental development which they undoubtedly possessed over all around them, and with all the claims to popular gratitude which they might most justly plead, both as the deliverers of the Saxons from their degradation, and, afterwards, of the Villein-class from a wretched slavery, (claims allowed by so unexceptionable a witness as Lord Macaulay)¹—no wonder the ecclesiastical order came to be looked upon as the representative of religion, as the correlative of the State, as the body with or against which alliances were to be made, as in short, the Church. But through this Roman connection, corrupt as the Papacy was daily becoming, and claiming as it did every day more arrogantly an unlimited obedience which it appeared to have less and less title to claim, it was inevitable that this “Church” should also be regarded more and more as something foreign, as well as external, to the State; and that, in consequence, as soon as the Constitution had grown into sufficient strength, she should be subjected to a series of organized attacks which exceedingly reduced and under-

¹ History of England, vol. i., Introduction.

mined her power. As Rome was at first her strength, so it soon became her weakness. The staff became rotten, and it broke.

Each of the next four centuries witnesses a further step in the gradual diminution of ecclesiastical power. The most exact form of the so-called original compact to which we can refer for the terms of the new alliance is that with which the Conqueror set out. On his part, the part of the State, as we have seen, the Church was placed in the independent position she held in the Continental States. That position carried with it the Church's own Synods, the Church's own Courts, a voice, or at least attention to her wishes, in election of Bishops. But it was worthy of that great man and of his great Archbishop that the one should impose, and the other admit, limitations to the power of the clergy, which all experience has shewn to be necessary for the safe existence of a national Church. There was to be no divided allegiance to the Patriarch of the West, no Pope and anti-Pope for Englishmen; the Pope of the clergy must be the Pope of the king and people. There was to be no *imperium in imperio*; no decrees of ecclesiastical synods were to become the law of the land without the king's license. There was to be no weakening of the king's authority by the excommunication of his great lords till the nature of the offence had been certificated to himself. Many of the struggles of the next two centuries arise out of the attempts of the ecclesiastics, often for long periods together successful, to evade these laws: and though for the time their efforts may in some cases be justified^s, yet it was well for all parties alike that these

^s See the Essays on Anselm in the Rev. R. W. Church's "Essays and Reviews."

landmarks did on the whole remain fixed. But, on the other hand, other struggles arose from the proved insufficiency of these restrictions. It was very well for a powerful monarch like the Conqueror to establish an ecclesiastical independence of municipal law while he was at hand with the sagacious Lanfranc to keep order; but the lapse of a century fully proved the necessity of a further limitation. The evils of the system had by that time come to a head. The Becket struggle was its direct consequence. That struggle ended, and happily ended, in placing the clergy in their proper position on the vital point of criminal trials. It was the first great step towards making them real subjects of the realm; while at the same time our monarchs learnt a lesson as to the inherent power of the Church (in its larger sense), when stirred to its foundations, a lesson which was never afterwards forgotten. Another century was to pass before the relations of the State with the clergy could be placed on a durable footing, before the clergy could be truly considered subjects, owning an undivided temporal allegiance to their anointed Sovereign.

But in the mean time Magna Charta, in no slight degree through the efforts of the clergy, had become the law of the land for all time: and in that great instrument their claims and privileges were duly registered. Not then for the first time did the famous words, *Ecclesia libera sit*, head a royal charter. They had formed a necessary part of charters already granted. They represented the sacred inheritance of earlier times. "It would have been," says Lingard, "more satisfactory if these liberties had been enumerated and described;" but we may be sure Stephen Langton knew his business well: he was the last man to make

a mistake in this matter. It might not in the future secure a greater liberty for the Church if her liberties were too definitely laid down according to the idea at that time entertained of them. It was thought better to leave the old expression, full of significance as it was, for the interpretation of those who were responsible for interpreting it rightly. The words echo down the ages, the law of the land now as it was then. "Let the Church be free." It is for each age to see that it keeps the law under which the connection of Church and State is alone tenable.

But it is not true to say that there was no explanation put forth of this freedom. The Charters both of John and subsequent princes interpret it in some degree; and the practice of the times proves the rest. It meant freedom in the election of Bishops. "Know ye that we, by the grace of God, &c. . . . by the advice of our honoured Fathers and by the advice of other lieges, have in the first place granted to God and confirmed by this our present Charter for us and for our heirs for ever that the Church of England shall be free, and shall enjoy their rights and franchises entirely and fully; and that election shall be free." And at subsequent confirmations of the Charter these expressions were either repeated or more fully explained. In 9 Henry IV. we find, "Elections of all archbishoprics, bishoprics, and other dignitaries elective whatsoever shall be rendered henceforth free, without any manner of disturbance by the Apostolic See or by commandment of our Sovereign Lord the King; provided always that our said lord the King shall have as freely his liberty and prerogative as any of his noble progenitors have had before his time." And this prerogative had been explained by 25 Edw. III., which asserts

that "the elections were first granted by the King's progenitors upon a certain form and condition, as to demand license of the King to choose, and then after the election to have his royal assent, and not in any other manner." And the irrevocability of this species of freedom is declared in 2 Henry VI., where it is said that "Holy Church and all the Lords Spiritual and Temporal, &c., having liberties and franchises, shall have and enjoy all their liberties and franchises well used and not repealed, nor by the Common Law repealable^h."

The further notice of this vexed question of election of Bishops it will be more convenient to reserve for the next lecture. What else did the freedom of the Church mean? It meant also freedom to hold Councils or Synods, subject to the restriction upon the making of canons imposed by the Conqueror. It meant also freedom in the Ecclesiastical Courts from secular interference, which was indeed specified in Magna Charta. And lastly it meant, what came home more practically than anything else, freedom from arbitrary taxation, the right of the clergy to meet and tax themselves. These are the main elements in that freedom of the Church, or, strictly speaking, of the Ecclesiastical order for the benefit of the rest, which, as far as they were assaulted, it took care to see ratified and secured at every crisis of politics. The numerous other customs and privileges included under the broad ægis of Church freedom need not be mentioned here.

The first three of these conditions of freedom, exer-

^h A larger collection of extracts upon this subject from the consecutive enactments of Magna Charta will be found in the Report of the Oxford Church Congress, in the Appendix to the speech of the Hon. Colin Lindsay.

cised within proper limits, and guarded from all interference with civil liberty, are essential to the healthy existence of the Church. They are essential in all times and under all circumstances. They are essential in order to the proper exercise of ecclesiastical functions. They are essential to the faithful transmission of the sacred deposit. An Established Church may drag on a feeble existence without them, but at imminent risk, and under grievous depression. The last of the conditions is accidental. Yet it was the fortune of the Church of England (wisely ordered no doubt by One who can see the end) that in all alike, essential and accidental, she was hampered not only by the natural causes of difference which must always arise between Church and State, but by the action of that Roman power with which since the Conquest she had been so closely allied.

It was not only that unscrupulous princes were tempted to keep open Episcopal Sees in order to sack their revenues, or to force into them slaves and tools of their own, but they too often had a colourable pretext for such tyranny in the equally tyrannical exercise of their vast power by the Popes. How often was it a mere race of fraud and wickedness, the ancient rights of the Church and the Metropolitan having been overborne, which should get his own way, the King or the Pope! How plausible must any stretch of royal power have appeared when an iniquitous system of "providing" for bishoprics and livings before they fell vacant was skilfully managed by a foreign and anti-English power, using the most subtle of all agents in this country for its own purpose! It was not only that the temporal power was always naturally and properly jealous of any synodical action which might

interfere with the laws of the land or the freedom of the subject, but the Popes had gradually seized the power of English Councils into their own hands. After the Papal Legate, long successfully resisted, had at last (in 1125) succeeded in usurping the well-ascertained and most ancient office of the Metropolitan, it was seldom that the precedent was disregarded. The repeated acts of the Legislature which at last checked, though till the Reformation they never wholly stopped, the practice, while they did a real service to the country, yet at the same time fostered a spirit which tended to the subversion of all Church discipline and all Church freedom. It was not only that the inherent impatience and dislike of statesmen to ecclesiastical freedom were excited by the spectacle of litigation in Ecclesiastical Courts, but their indignation was perpetually aroused by those constant appeals to the venal Courts of Rome which, in spite of the Constitutions of Clarendon, continued to be made up to the very time of the Reformation. It was not only that the liberty of ecclesiastical self-taxation had to struggle against the rapacity of monarchs or the exigencies of the times, but the example of tampering with it was set by the Papal Court. What more just than to argue—if you can spare money for those who are directly or indirectly assisting the national enemies you can spare it for the national chest; if you cannot secure yourselves from the grasping avarice which many of you vehemently disapprove, you must be protected by the emptiness of your barns; you must first render unto Cæsar the things which are Cæsar's; national wealth must be taxed for national purposes?

We might well wish that all invasions of ecclesiastical liberties had been equally just, or rather that

all matters of dispute between Church and State had admitted of an equally righteous method of adjustment. The act of Edward I. and his wise counsellors, by which the clergy were placed, as regards taxation, on the same footing with all other subjects of the realm, was harsh in its immediate operation, but its substantial wisdom and justice can scarcely be doubted. It was a legitimate termination of a state of things which had grown up out of the usage of times when it was of less consequence; but the Constitution was now taking shape, and the national necessities could no longer be met by the old methods: this ancient privilege was no longer tenable. From the Convocations which soon grew out of that settlement, summoned regularly, along with the new-born representative Parliaments, for the purpose of regular instead of the old irregular self-taxation, dates the commencement of that especial form of ecclesiastical self-government which we trace down to the present day—that thread, often so slender, yet never broken, by which one at least of the essential liberties of the Church has been conveyed to our own times¹.

¹ It is important to observe that what is called "Convocation" is in reality a twofold assembly. That of the Southern Province is a Provincial Synod—an institution as old as the Church itself—summoned by the Archbishop, (and thus always first meeting at St. Paul's for Divine Service and certain formal acts,) as well as a representative Assembly of the Estate of the Clergy, meeting, according to the Edwardian settlement, along with the other Estates of the Realm, for business at Westminster. Some have advocated the separation of these two characters as an escape from the difficulties attending undue State interference, the reform of clerical representation, and the co-operation of *bonâ fide* lay Churchmen. No opinion on this point is offered here. Time and circumstances will shew. The same twofold character attaches of course to the Convocation of the Northern Province. (Vide Wake's "State of the Church," &c., p. 27.)

For the next two centuries the Church is more or less in a state of transition. Her representatives and guardians, tenaciously clinging to Rome, became more and more out of harmony with those forces of government which were gradually gaining power. The Statutes of Richard the Second's reign evidenced the triumph of those forces; the seizure of the Alien Pories gave an ominous presage of future spoliation. But her vast wealth, her firm hold on the Constitution, the affection of a large proportion of the lower class (less influenced by the heaving motions of the pre-Reformation than the middle), the support, at first perhaps from interest, and then from conscience, of the House of Lancaster, the leading position of a Chichele or a Beaufort in the State, the constant wars which distracted men's minds as well as brought political power to the Church, and above all the good solid English sense which told the nation that a Reformation, however much required, was not to be entrusted to the hands of the Lollards, kept the stately edifice erect. To the last she shewed a bold front to her enemies, played them off upon one another, took advantage of their mistakes, and attempted, though with feeble hands, her own reformation. Kings, nobles, the upper classes, threw in their lot with her.

And in truth the dreaded opinions of the reforming party were not unjustly charged with the odious features of revolution, with the fanaticism of desperate men, the heresy of untaught men, leaving the ancient landmarks, and groping their way by the light of an uninformed private judgment. Any rottenness of the old house seemed better than a deluge which would sweep all away. The wisest men trembled at that which, fixing itself in our national mind at the Lollard

period, has run on without a break from those days to the present in the body politic. The same fierce spirit of resistance to all authority, which distinguished John Ball from John Wiclif, and the later Lollards from the first poor priests, is that of which the fanatics of the seventeenth century were only one out of perpetual developments. It was necessary that a century and a half should elapse before the sterling element in the reforming party could recover itself from these degrading associations, and from a mere destructive, become a constructive, agency. Then, at last, having infused its spirit into Bohemia and Germany, and receiving thence in return, at the critical moment, the impulse itself required,—chastened by persecution, and penetrated by all the electric influences of that stormy age, it was in a state to afford a handle for the grasp of one who seemed, with all his detestable vices, to be yet raised up for the special purpose of using it.

Never did the glory of the unreformed Church blaze higher than just before it set at the fall of Wolsey. The long delay had been of infinite service, for she was thus enabled to pass on her inheritance. Through the prolonged conflict with the pre-Reformation the relations of Church and State had suffered no material change. If anything, the expiring energies of the Plantagenets had drawn the bonds closer together; and the silent changes in the State which the first half-century of the Tudors had produced, had rather given notes of warning than effected any severance. To the last the Church used her ancient privilege of holding Synods, and those Synods, though too late to stave off the Reformation, were growing more national and less enslaved to Rome. In matters of doctrine Parliament, though becoming so powerful, left the

Church to herself. To the last the power of correcting ecclesiastical offences, however it was exercised with a shameful cruelty, (and for this it is not the ecclesiastics alone who are to blame,) was rigorously conserved. To the last, in spite of the temptations which Popes and clergy had themselves offered to the Crown, elections to bishoprics were free in theory, and, to some extent, though indirectly, in practice. Above all, if the deposit of the faith had received many Roman corruptions, it had at least lost nothing while in the hands of its mediæval guardians. The rust of ages had but to be rubbed off. It was, in short, still, with all its defects, a free Church in connection with a free State. Where anything of the status which a proper ecclesiastical constitution requires had been lost, it had been very much from the Church not keeping to her own functions. The guardians of the Church had too often encroached on the governors of the State; there had been too great a confusion between the things of Cæsar and the things of God; and there was an almost inextricable entanglement in the errors and politics of Rome. The Church was to undergo the severest trial, the most fearful purgation, to which any Church could be exposed.

In the next lecture we shall have to note this process, and observe the final escape of the Church from the Roman connection; we shall have to examine the question whether this casket of spiritual independence, the necessary framework for the conservation of the deposited jewel, was preserved in the new relations of Church and State introduced by the Tudors of the Reformation; or to put it in another way, we shall have to confront the assertions of those who have allowed the boisterous tide of State Supremacy to

conceal from their sight that feebler current of Church freedom which it will be ours to trace. We shall have to watch this current, now eddying out into the broad stream, now compressed into narrow channels, often the deeper for their narrowness, yet never lost. We shall have to measure its breadth as it approaches our own times; and thus, gathering into one focus the light thrown on the relations of Church and State by all the centuries, may learn some lessons useful for ourselves as units in the great mass of British citizens, not brought into this marvellous inheritance for nothing, but with a duty to do which at least involves our making ourselves acquainted with the facts concerning it.

LECTURE II.

WE are now to consider the relations of Church and State during the third period of English history, from the Reformation to the present time. We shall find these relations affected by all that had taken place previously, changed in character, yet substantially the same. If they are still to be regarded rather in the light of an alliance than of an incorporation, if we have the same Church, with the identical Bishops, priests, and deacons for its ministers as before the Act of Submission, the same Convocation, the same Ecclesiastical Courts, the same *congé d'élire*, no more a mockery than before and no less, the same seats for the Bishops in the House of Lords, the same dioceses, the same cathedrals, the same parish churches, frequented for the most part by the same worshippers, the same Word and Sacraments, set free from disfigurements, the same Liturgical offices, only purified, the same recognized tie between the guardians of the Church and the governors of the State,—we have at the same time, now at last, the complete triumph of the old Saxon independence of Rome, brought about mainly by that middle class which inherited with their blood the principles of their remote forefathers; we see the corruptions of the Faith those forefathers (at least in their earlier history) never knew, shaken off; we find a return to that greater simplicity of an earlier stage, carried no doubt in many instances to excess, but in that tendency to excess only sharing the fate of good things

in all great changes ; and lastly, we have at length an end to that excessive influence in the government of the State possessed by great ecclesiastical officers, which was a wholly different thing from the joint action of ecclesiastics in State affairs known to the Saxon Constitution.

Great was the gain of the Reformation ; yet no one ought, no one does, in the present day, speak of it as a pure gain. It is unhistorical, it is untrue, and therefore it is worse than useless, to conceal its drawbacks. It was no slight injury, however little it was the fault of the English Church, to be cut off from communion with so much of Christendom ; it was no slight loss to the cause of religion that so vast an amount of Church property should be divided between the King and his courtiers instead of being distributed for the benefit of the clergy and the schools ; it was no slight evil that the clergy should lose so much ground in social rank, should be recruited from a lower class of people, and, losing the ubiquitous influence which (with manifold inconveniences and gross abuses) the monastic system gave, should have had so little means afforded them for making up the deficiency. It was no slight evil that the great national separation was only too sure to involve sectarian schism, and that the proportions of the Church should shrink from the possession of the whole, however uneasy a possession, to that only of a part, though by far the greatest part. It was no slight change in her political status that her Prelates should become, by the abstraction of the Abbots, a minority in the House of Lords, and that, by the iniquitous distribution of her property, a body of hereditary opponents to the recovery of her just rights should be raised up for her perpetual enfeeblement. Above all, it was no

trifling price to pay for deliverance from a foreign usurpation that the Crown should gain a power over ecclesiastical affairs which nothing but necessity, if even that, could justify.

If the illustration used in the last lecture may be reproduced, if Church and State are still man and wife, the same husband and the same wife, we must henceforth regard them as we should a married couple, long used to a certain well-recognized position both as to one another and their neighbours, now no longer tenable, and who have been obliged to migrate to some ruder land where the state and dignity of the wife are lost, where she has to make herself useful as a drudge, and where she loses no little of her own self-respect, though still doing that service for her imperious lord which alone keeps his household together; till at last, startled at symptoms of a growing tendency to neglect, face to face with the possibility of being turned out of doors, and wearied with making useless remonstrances, she once more stands upon her inherent, indisputable claims, counts up her losses, and deliberately pronounces that the union can only continue on the footing of a return to at least the spirit of the "original compact."

How much light has of late been thrown on the history of Henry VIII.; and yet, though we can better fill up the picture, how exactly does he remain where he was! It was no chance medley, the meeting of the work and the instrument, of the man who was capable of shaping anew the relations of Church and State, and the Reformation to be effected. Inheriting the great position made for him by his father, combined with the advantage of not having been the heir-apparent, with every personal advantage of mind and body, taught the

science of government by the ablest ecclesiastic England had seen since the days of Becket, backed by the middle and a great part of the lower classes of English society, governing a nobility thinned by the Wars of the Roses as well as cowed by the first Tudor's vigorous reign, and a hierarchy trembling at the storm now rising on all sides, seated on a throne which, through the struggle of the two princes who were so nearly balanced, for a time arbitrated in Europe,—how exactly was such a prince calculated to change the constitution of a State, how could such a prince fail to be tempted to play the tyrant!

As a tyrant there is no doubt he acted, and, if the Church felt his hand, so also did the State. His temporary stretch of the *Regale* was certainly no more unconstitutional than his obliging his subjects to allow his proclamations the force of laws. But surely of all his public acts there was none which will less bear inspection than that which has given its shape and form to the relations of Church and State from that day to the present. That the king who had himself sanctioned the holding of a Synod by Wolsey as Papal Legate, should turn round, and having caught the whole clergy in his trap, should use the law of the land against them, urging the penalties of a *præmunire* till he had reduced them to make the submission he himself dictated, is one of the most unjust political deeds on record*. But we are not concerned here to award praise or blame to particular monarchs; we are only to trace the consequences of their acts. Yet let us not forget what we noticed in the previous lecture.

* Hallam admits that "Henry's prosecution of the Church on this occasion was extremely harsh and unfair."—*Constitutional Hist. of England*, vol. i. p. 65.

If we cannot excuse the King, we must remember it was the Popes who had first set him the example of trampling on the rights of the National Church.

The Act of Submission freed the Church from Rome. In that Act everything required for the purpose was bound up. But it did something more. It tied the Church to the Crown in a manner which if it had not been subsequently explained, and practices founded on it modified, would have gone far to ruin her position as a true Church. It is, however, quite unworthy of fair-minded men to judge the Reformed Church of England by all the violent proceedings of Henry. As steps to an end let them be marked. There are, indeed, some of them which it would be well if we remembered better. But the real aspect of the new relations of Church and State must be looked for in the settlement made by Queen Elizabeth, after the violent fluctuations of the first turbulent years of the Reformation had subsided. By the Articles of her reign alone are Churchmen bound as to the Royal Supremacy; and the explanation of the prerogative contained there need bring no blush to their cheeks. This explicit renunciation of all offensive interpretations of the Oath of Supremacy left the position of the Church open indeed to assault, but it was not at all objectionable if taken in the sense intended. If the strangeness of the new position scarcely suffered her at first to move freely, the essential forms of freedom were at least retained; and thus an opening was left for expansion when the proper time should arrive.

And, in fact, the evils of her fettered condition were not materially felt so long as the crown was on the head of princes who knew their duty, and felt their responsibility. Mary's melancholy reign may be put

aside as exceptional ; but it has been often remarked that the Tudor sovereigns and the early Stuarts had at least this merit, that they would allow no one to touch the Church but themselves. With the Church they stood or fell. Their coronation by the Archbishop was to them profoundly significant. And, if it is not easy to understand how Magna Charta, with all its stately guarantees of Church freedom, could be reconciled with all the acts of the Tudor Supremacy, the plea of necessity carried them over all : a tyrant's plea, to be sure ; but the nation preferred its own to foreign tyrants. It is the only and the true ground of defence for all parties concerned in the new settlement of the Church. We may not condone individual acts of rapacity or violence, we must condemn the wholesale robberies, the judicial murders, the bitter persecutions, of that terrible period ; but we may surely perceive that nothing short of a series of able and strong-willed sovereigns, taking the interests of the Church into their own hands, could, humanly speaking, have carried her through the perils of the times. They alone saved this country from religious wars like those of France, from a return to Popery on the one hand, from a Genevan settlement on the other. Not that these sovereigns must be thought of as acting single-handed : beyond doubt they had the better sense of clergy and people with them ; but they had the will and the power necessary to give the victory to that better sense, to the opinions of that moderate party, which but for them, in the mad conflict of opinion, must assuredly have gone to the wall. English Churchmen may very easily lose sight of the dangers from which they have been preserved in a too narrow criticism of the acts of their preservers. There is an old

proverb against speaking ill of the bridge which has carried one over.

We have said that the essential characteristics of the Church's freedom were preserved in the transition. Let us examine this a little further.

1. There was no pretence of taking the judgment of ecclesiastical matters away from the clergy, or of preventing the Church from declaring when necessary what that truth was which she was founded in order to hand down. "If the cause be spiritual secular Courts do not meddle with it;" "We may refuse to answer before any civil judge in a matter which is not civil." So writes Hooker^b, the recognized exponent of Tudor Church and State. There was no thought of stretching the Supremacy beyond this. The Crown was to see justice done by ecclesiastics in the Ecclesiastical Courts. The Crown in the last resort was to hear appeals from the Archbishop's Court, those appeals which, though temporarily stopped by the Constitutions of Clarendon, used up to this time to go to Rome; and it heard them through Delegates chosen by the Lord Chancellor^c. Now, as the appeal could no longer go to Rome, it must vest somewhere; and so long as the Delegates were faithfully selected, with a view to mere cases of ordinary discipline, a good deal might be said for this COURT OF APPEAL^d. It was probably only intended as a temporary arrangement, and was no doubt liable to abuse, yet for a long period it was not abused. But the great point is that it went side by side with the active existence of Convocation, regularly sitting, and acknowledged as the proper

^b Hooker, viii. 8, 9.

^c 25 Hen. VIII.

^d See Sir Robert Phillimore's paper read at the Norwich Church Congress.

Court for questions of doctrine. From that august tribunal, to which the imperious Henry himself acknowledged his subordination in spiritual matters, there was no appeal; for to it lay the appeal in causes where he was himself concerned^e, and to it on one occasion we all know that he himself submitted.

As far then as the Ecclesiastical Courts went, we are not in the least obliged to admit that the Royal Supremacy, as established by the Tudors, interfered with the freedom of the Church. The Crown decided no ecclesiastical questions itself, but only through its proper Constitutional agents. The language put into the mouth of the Sovereign, in the Preface to the Articles, shews a clear appreciation of the Church's rights, or, as expressed at the last revision, "a princely care that the Churchmen may do the work which is proper unto them." The deterioration of the Court of Delegates commenced, however, early, and progressed rapidly; though it was reserved for our own times to combine in one almost every possible objection which can lie against such a Court^f. It will be seen at once that

• 24 Hen. VIII.

^e "In the year 1833 it was enacted that all causes coming to the King in Council should be tried by a Committee, to be composed of at least four out of a number of persons of whom all must be laymen; a very small proportion only could be civilians; none of the rest, except the Lord Chancellor, need be members of the Church of England. Nay, the Court might actually be composed in any given case of persons holding their offices during the pleasure of the Crown, that is to say, of the minister of the day." "It is vain to lay stress upon the unmeaning arrangement for the presence of Bishops at the hearing of such a case (the trial of doctrine) which has been unduly embellished with the name of assessorship. For, first, they are few in number; secondly, so many other qualities are of necessity to be regarded in the choice of Archbishops, and likewise in filling the See of London, that the three persons who are officially Privy Councillors can very rarely be the best theologians on the Episcopal Bench; thirdly, their presence is not re-

nothing said here applies to that temporary abuse of the Supremacy, the High Commission Court, which, neither in its constitution nor its proceedings, we are in any way concerned to defend.

2. We come next to CONVOCATION. This vital portion of the framework of Church freedom was as a matter of course retained at the Reformation. There was no attempt to deprive the clergy of their stated meetings; their sessions are an unbroken series; there is no such gap as some suppose between the sessions previous to the Reformation and subsequent to it. It was the same essential part of the Constitution as before; self-taxation by the clergy was as much the necessary order of things; every ancient usage was kept up as tenaciously

quired by law; fourthly, they are no assessors at all, having no defined function, and need not, when present, be consulted at all, or may be consulted on the small points and not on the large ones; fifthly, the whole system of such consultation is secret and irregular, and in the highest degree irresponsible, and no blessing can be expected to flow from it. Here then we have arrived at a plain and gross violation of the principle recited in the preamble of the 24th Henry VIII., that the spirituality, according to the constitution of the realm of England, administered the law spiritual, as the temporalty administered the law temporal; the principle declared by Lord Coke, that the king administers his ecclesiastical laws by his ecclesiastical judges, a principle of universal application, but of the most especial and vital application, it need hardly be observed, in the trial of doctrine. And thus I arrive at the answer to my second question proposed at the outset, namely this, that the present composition of the appellate tribunal, with regard to causes of doctrine, is unreasonable, unconstitutional, and contrary to the spirit of the Reformation Statutes." "Lord Brougham has declared from his own recollection that cases of heresy were not taken into view at all on the passing of the Act of 1833."—(*Mr. Gladstone on the Royal Supremacy*, pp. 78, 79, 80. *Published in 1850; reprinted, by his permission, in 1865, (Parkers). See also Fuller on the Court of Final Appeal, (Parkers).*)

Thus the present Court of Final Appeal is not only open to the objections so unanswerably urged by the Church, but it is actually the result of a mistake, an accident, an oversight!

as ever. The Act of Submission did not affect its character, though it left the door open to abuses. The Archbishop still summoned and prorogued it. The arrangements concerning it were but a return, in most respects, to those of the Conqueror. It was only the Conqueror's law for which kings had so long been contending against Popes which prevented the passing of Canons into the law of the land without Royal permission. That Convocation should only meet when summoned by the King was not only in the spirit of the Constitution, but it was, like all the other defences of the Royal Supremacy, a necessary bulwark for the time against Rome. In this particular Convocation was only in the same condition as Parliament, to which it almost exactly corresponded. The post-Reformation Convocation was in fact the recognized ecclesiastical Parliament. "It was the supreme Court for the trial of doctrine: it might correct or depose offenders; might examine and censure heretical works; might, after having obtained the royal license, make and publish Canons; might, with the consent of Parliament, alter the Liturgy; and in short transact all business of an ecclesiastical character^g." In this Convocation there was always one guarantee of independence, the negative on the proceedings of the Upper House possessed by the Lower. This might lead, and has led, to complications; but it is easy to see how the overweening influence of the Crown, or of mere political Bishops, might in this way be checked^h.

The inherent independence of the Church on this

^g Lathbury on Convocation, chap. v.

^h The Act of Submission applied to the assembly technically known as Convocation; it has been questioned whether it affected the Archbishop's independent power of summoning his Provincial Synod or Council.

side was then sufficiently preserved in form by the Tudor princes. The danger of the new Royal Supremacy began to shew itself when unconstitutionally worked: when the Crown was advised to omit the summons of the Ecclesiastical Parliament, or, if summoned, to prevent the passing of Canons which did not conflict with the laws and customs of the realm, and which were demanded by the united voice of the Church.

3. It flows from the last heading, but must be mentioned as a separate mark of the independence of the Reformed Church, and the more because so many mistakes are made on the subject, that she had **FREE LIBERTY TO REFORM HER OWN LITURGY, AND TO DECLARE IN HER OWN FORM THE ARTICLES OF THE FAITH.** After the first wild convulsions of Henry's will had spent themselves, Cranmer, Ridley, and their coadjutors, had the work entrusted to their hands. The reign of Edward VI., short and troubled as it was, was yet long enough to give us the inestimable privilege of our Book of Common Prayer. No alterations have since been made in it of any material consequence. The Articles of a later date, though our princes were seriously and most intelligently interested in their formation, or re-enactment, were none the less the free work of the clergy. The laity in Parliament only ratified and sanctioned the Articles; they did not meddle with them. Thus the Church was permitted to settle all her formularies, establish all her reforms of ritual, and make all necessary concessions to Nonconformists, during the time when she was in the fittest state to do the work, before she was raised too high by the policy which Laud represented, or depressed too low by that of which Walpole may be

taken as the exponent. Thus she retained the full amount of primitive *truth* without sacrificing her inheritance of Apostolical *order*.

4. The ELECTION OF BISHOPS, if not free in practice, was as free as in Roman times, and at least retained the form of freedom. If the Bishops of the Reformed Church are accused of servility, the old observation should be remembered that a Bonner took out the same commission from Henry VIII. as a Cranmer from Edward VI. The ancient form, known as the *congé d'élire*, of which the Church was for a short time deprived, was soon restored, and still exists. "The *congé d'élire*," says an old writer, "is still kept up in England, though to no other purpose than to shew the ancient right of the Church to elect her own Bishops, and may one day prove a handle to recover it." As however there is no doubt that the *congé d'élire* has been a contradiction in terms for many an age, this may be the place for the briefest inquiry how far this practical denial of the inherent right of the Church, secured by Magna Charta, and acknowledged in form, is a bar to the claim of independence.

So brief an inquiry must proceed on the assertion, which students of history will acknowledge requires no proof, that this claim of the State to appoint or nominate, or at least sanction or confirm the appointment of, Bishops, has been made in all ages, in all branches of the Church, and within all countries. It is not in the least peculiar to England. The popular election and confirmation by the Metropolitan with which the Church started in her career began practically to fall, but only occasionally, into the hands of the Emperor soon after State-connection commenced. The Emperor, as representing the people, was often

applied to by the Church in great cities in order to escape from the turbulence of popular elections in troubled times. "Before the fall of the Empire," says Guizot, "the Bishops were elected by the clergy and the people. The Emperor only interfered in rare cases, in the election for the most considerable towns¹." But in the exercise of this occasional and exceptional function there was a very decided understanding between both parties. As was remarked in the former lecture, the adhesion of the Emperor to orthodoxy was a law. Church and State were in harmony. Each performed its own function—often jarring no doubt in the best of times, but with substantial justice on both sides: the State protecting the Synods, and lending its support to the laws of the Church, the Church supporting the Government in all lawful matters, and lending its all-powerful aid in every relation of social life to the cause of order and obedience.

As time went on, and in the Eastern Roman Empire primitive purity decayed, the Emperors interfered on this point more constantly. The position gradually taken up by the Emperors was that they had the right of sanctioning or confirming those who were nominated by the clergy of the see, and already confirmed by the

¹ *Hist. de la Civilisation en France*. 12^{me} Leçon.

² That the Emperors acted in this matter only occasionally and exceptionally is not a mere matter of antiquarian interest for English Churchmen: for in the explanation of the Royal Supremacy given in the Second Canon, the authority of "Christian Emperors of the primitive Church" in ecclesiastical causes is expressly referred to as the model on which our Sovereigns' Supremacy was framed, and of course it must have an equal weight in regard of this particular part of the *Regale*.

The Supremacy virtually exercised by the modern Prime Minister, extraordinary and anomalous as it is, cannot mount higher than its source.

Metropolitan—a right which secured them a veto on all appointments. But the notion of absolute power in the matter was not present. We shall not be misrepresenting the convictions of the age when we say that the inherent rights of the Church, the sacred tie, the spiritual relation, between a Bishop and his flock, were too well understood. The whole respect of a people for their pastor, at least all that was worth having, was too clearly seen to hang upon a well-recognized distinction between the civil and the ecclesiastical power. The true interests of the State would have been not only weakened, but the advantage derived from the Church—far greater than the Church ever derived from the State—would have been entirely lost if the people once began to believe that religion was a mere state-craft, their Bishops mere State-officers. They could no longer have thought such a religion Divine, and the whole foundations of society would have been loosened. And in fact as this principle of true respect for the Church declined, as the Emperors pushed their power over it further and further, that loosening of the foundations of society became more apparent. The later ages of Byzantine history will scarcely be quoted except for warning. In its prolonged decrepitude this particular abuse obtained almost the dignity of a law, for every symptom of independent political life had disappeared; the carcase of the State alone was left, and “the eagles were gathered together.” Little was left the Church but her Faith¹.

In the early days of the barbaric kingdoms of Western Europe, as soon as they were once fairly converted, and while Christian teaching was yet fresh, the ortho-

¹ See above, p. 6.

doxy of the Church was in little danger; but in the matter of elections the anarchy of the times soon affected the relations of Church and State. M. Guizot has thus summed up the facts of the case during the first period of these kingdoms:—"The Churches were wealthy; the barbaric kings make them a means of recompensing their servants and enriching themselves. In numerous instances they directly nominate the Bishops. The Church protests; she claims the election; she does not always succeed therein; many Bishops are retained in the Sees where they have been placed by the kings alone. Still the fact is not changed into a matter of right, and continues to pass for an abuse. The kings themselves admit this on many occasions. The Church by degrees regains the election; but she also gives way in her turn. She grants that after the election the confirmation by the king is necessary. The Bishop who formerly took possession of his See from the time that he was consecrated by the Archbishop, now ascends not his throne until he has obtained the sanction of royalty. Such is not only the fact, but the religious and civil law¹."

Charlemagne, who left his mark on everything, gave fixity to this system. In him was gathered up all the past; in him met all Teutonic, all Roman elements, hitherto so inharmoniously mingled; and from him, stamped with his mark, they descended into the constitution of the modern kingdoms formed out of his Empire. The trust reposed by their subjects in the monarchs of these kingdoms, and exercised by those monarchs in that branch of the *Regale* which gave them the right of Confirmation of Bishops was fully acknowledged by themselves. The clergy as guardians

¹ *La Civilisation en France*. 12^{me} Leçon.

of the Church kept their full share of influence through the nomination. The direct voice of the laity was the element which had disappeared during the transition from ancient to modern times; but it would be wrong to make light of the indirect influence they exerted, an influence perhaps more really effective in the long run because less dependent on varying times and circumstances: and this influence was no doubt exceedingly powerful while the Church, however corrupt and internally divided, was as yet unbroken by schisms. England itself received no small amount of political legacy both as to Church and State from Charlemagne. But the peculiar relations of Saxon Church and State were on the whole more favourable to independence on the point of episcopal elections than they were abroad. If the Witan did not always appoint—for we know the King often appointed—it did so frequently; and the Bishops in the Witan seem to have managed ecclesiastical affairs pretty much as they wished^m.

^m It is scarcely necessary to quote the numerous authors of late years whose researches into Anglo-Saxon history have thrown light upon this point. The substantial agreement of two competent writers, opposed to one another in principles, will be sufficient to establish it. *Soames* (in his "History of the Anglo-Saxon Church," p. 149) says: "In that see (Canterbury) without even the *form* of a reference to Rome, was vested a control over episcopal vacancies. On the death of their prelate the principal inhabitants of a diocese, both clerical and lay, elected a successor. This individual was presented to his Metropolitan, and on consecration he was required to swear canonical obedience to no other."

And *Lingard*, in his "History and Antiquities of the Anglo-Saxon Church," p. 91, says: "By Theodore the discipline of the Saxon Church was reduced to a more perfect form. Under him and his immediate successors the appointment of Bishops was generally made in the National Synods, in which the Primate presided, and at which the deputies of the vacant Church attended to give their consent." He then shews how corrupt practices began to creep in on the part of Kings, Bishops, and clergy generally; and says that "in historical records of the ninth and tenth centuries the appointment is sometimes

The confusion which succeeded upon the failure of Charlemagne's wonderful attempt to organize a world gave free scope to those struggles upon Episcopal appointments which perpetually afflicted the disorganized States which had composed his Empire. The grand appointment of all, the Papacy, afforded the central and typical instance of the general struggle. When the Emperor was powerful enough to exercise a real influence in the appointment of a Pope the appointments were respectable; when too feeble to affect the election, that election fell under the control of corrupt local influences, and appointments became unspeakably bad. The degradation of the Papacy in Carlovingian times belongs to a page which Christendom may wish blotted from its annals. When order revived in the persons of the German Emperors, order revived also at Rome, but soon took a form, as regards the Papal appointment, unknown to earlier periods. A direct nomination by the Emperor, and that a nomination exercised in favour of his own countrymen, became the rule. So violent a bending of the old rule of compromise in one direction could not fail to bring on a corresponding violence from the opposite side; and the War of Investitures was the result. The secular and non-secular principles in the relations of Church and State were now for the first time brought

described as made by the unfettered choice of the clergy and people; sometimes as proceeding solely from the absolute will of the sovereign." "The probability is that both were conjoined; that the recommendation of the prince operated as a command; while the choice of the clergy was a mere form preliminary to the confirmation and consecration of the prelate elect. Thus it was certainly under our native kings, the descendants of Egbert, who however appear to have disposed of the most important sees in National Councils with the consent of the Bishops and Ealdormen, but under Canute and his successors the will of the King was notified in a more imperious manner."

into serious conflict on a great scale. Heroic men on either side fought out a battle which deluged Europe with blood for half a century. Each party had much to allege on its own behalf, but, till each was exhausted, neither could see its way back to the compromise from which both had departed, and to which at length both returned. The feudal ceremonial of the times, and the developed state of the Papacy, did indeed dictate the peculiar terms of the new agreement, but the substance was the same as that which had existed in the Roman and the Franco-Roman Empire. The Pope was to invest with the ring and staff (in the case of an Archbishop with the crozier); the Emperor was to receive homage for the temporalities. From that day to this there has always been exactly the same need of just such a compromise. Putting the Chapter, or the Metropolitan, or the Bishops of the province, or the independent Church in some form or other, for the Pope, the ring and staff should be its gift; the revenues, the State position, that of the Crown. Translated into modern language, if the State chooses the Bishop it should be a choice amongst those presented for choice by the Church.

To the compromise effected in the twelfth century must be traced what we now see around us. Rome became the standing example of the clergy-elected Bishop; and the Popes, freed from the direct, though not from the indirect, influence of secular princes, became competitors with those princes for a share in the election of every Bishop in every Western State. This, though indeed the letter of the compact, seriously interfered in practice with the working of the principle of the compromise. As the battle had been fought under the leadership of the Popes, so the result was

found to be in their favour, not in that of the National Churches which had supported them. Like the dwarf in the alliance with the giant, the national forces gained much honour, but little solid result. The principle of ecclesiastical independence in regard of elections was indeed preserved, but it was represented by a foreign Bishop; and thus its force, from the growing estrangement between Rome and the nations, was seriously impaired. Still, even in spite of so great a disadvantage, the ecclesiastical power, both in this country and on the continent, was sufficiently strong to protest against, and, on the whole, offer a certain dogged resistance to, the arbitrary will of kings: the confirmation or sanction of the appointment of Bishops was all that was technically granted them. In numerous cases the Church struggled against improper appointments, and at least kept the notion of her veto alive. She was in fact backed up by the public opinion of the State at large, and in many instances found pious kings or powerful ecclesiastical statesmen to take her part.

It is here indeed that we are to look for an answer to the question we have proposed. If from a variety of causes, growing not only out of the ever-present facts of human nature, but out of mistakes on all sides in the past, the rights of the Church in the election of her chief Pastors have been overborne,—has the “unwritten law” of the Church, (to change the use of the term from doctrine to practice,) has the public opinion of the Church laity, been strong enough to compel the respect of the governing power? Has she practically retained a veto of which she may appear to have been deprived? Have her indirect influences really prevailed on the whole? If we apply this test

to the system of Episcopal appointments under the Tudor princes, it may be said that the Church was practically free even here at the most critical period of her history, and in the most delicate of all relations to the State. The *Regale* was in the nature of things somewhat more tightly pressed than before, but as a compensation the necessity under which the Tudor and early Stuart princes lay to preserve the discipline of that Church in which they had embarked their fortunes, obliged them to choose on the whole the men of whom the Church approved. This moral guarantee, which left so much to the capricious will of monarchs, was indeed a bad exchange for the ancient usage; but it was not new at the Reformation, and at least the *form* of freedom was retained—an inestimable thing to save in any State, because the form can always be clothed with life; but most of all in our own, where precedents are never too antiquated, the hopes of reform never so favourable as when that reform can be based on laws still existing, though not carried into act. Two of our post-Reformation sovereigns have attempted of their own accord to rectify the almost universal abuse of the Royal power in appointing Bishops. “King James I. used this method in Scotland, that when any Bishop died the Archbishop convened his fellow Bishops, and they gave in to the King the names of three persons whom they judged most fit, out of whom the King chose one into the vacant See.” And King William III. “soon after the loss of his Queen, was induced to appoint a Commission, consisting of the six most distinguished Prelates on the Bench, who were to recommend fit persons to supply all vacant Bishoprics, Deaneries, and other prefer-

^a Leslie's “Case of the Regale,” Works, folio, p. 677.

ments, as well as Headships and Professorships of the two Universities in the Royal patronage^o."

We may then say that on all the four cardinal points which must be taken as guarantees and bulwarks of the independence of the Church, viz. ecclesiastical Courts, Synods, regulation of doctrinal and Liturgical forms, and the election of Bishops, the Reformed Church started on her course substantially free, or at least as much so as she was in Roman times. Her relations with the State were only changed in form, and those forms were in the main a recurrence to an earlier state of things. The change in short was made on Constitutional principles, though some of the temporary acts by which it was effected were arbitrary enough. The precautions taken at the Reformation were in intention, however they might be afterwards twisted, rather anti-Papal than pro-Regal^p.

We have spoken of the danger to which the Church was exposed by the Act of Submission, and by the consequent stricter connection with the Crown, and therefore, exposure to the caprice of particular monarchs. It was not only this. Relations which were tolerable under certain conditions might become intolerable when the conditions were altered. For good or for evil the Church was for the future far more concerned in the vicissitudes of the Sovereign than before; and as that Sovereign's place altered with the course of time, so

^o Monk's "Life of Bentley," p. 108, 1st edit., (referred to in Perry's "Church History" as i. 139 of a subsequent edition).

^p "To sum up the whole, then, I contend that the Crown did not (at the Reformation) claim by Statute either to be of right or to become by convention the source of that kind of action which was committed by the Saviour to the Apostolic Church, whether for the enactment of laws or for the administration of its discipline."—(*Gladstone on the Supremacy*, p. 21, as cited above.)

the relations of the Church with the altered State would require an alteration which she might or might not be strong enough at the moment to gain. And we must further add that her own external power to command attention was enormously diminished. However overgrown, or rather, irregularly developed, that power had, previously to the Reformation, been, the Church has never since that time been able to expand herself in full proportion to the wants of the people.

Between the Reformation and the Restoration there was no definite change in the relations of the two powers to one another. The Church had indeed to undergo the extremes of elevation and depression within that period. Raised out of her proper position by the mistaken policy of the two elder Stuarts, and exiled for a time with their successor, when restored with the Sovereign she came back to a country which had passed through an immense change. But until that time, though for a while dormant, her relations with the State remained as they were fixed by the Tudor compact. The sovereigns of this period were, with scarce an exception, the nurses and friends of the Church. They only erred, the later of them, in attempting to govern the State by her agency. The weakness of the hold which the first James and Charles felt they possessed on the Government led them to lean on that which has always failed when used improperly. The nation, freed from the strong arm of the Tudors, and gathering each year fresh political strength against the Crown, could no longer put up with Tudor government from Stuart hands. Those who could not understand the signs of the times had to succumb to the shock. The Church, the Sovereign, and in the end the whole nation, had each its lesson to learn. The Church

had to learn that if, before the Reformation, the government of a people by ecclesiastics was almost intolerable, it was quite so afterwards; and that she might well be satisfied if she could but secure fair play along with the legitimate means for her proper development. The Sovereign had to learn the limits of his prerogative, and that he could no longer rely on one branch of the Constitution at the expense of the rest. The people had to learn that whatever they might have had to suffer at the hands of ecclesiastics, it was as nothing compared to what they had to endure from the Church's enemies; and that for the future they must watch Church and King, Lords and Commons, alike; the only safety for all being that each should keep its due place. Coke had already laid down the law, and with something of a prophetic spirit, in these words:—"And certain it is that this kingdom hath been best governed and peace and quiet preserved when both parties, that is the justices of the temporal courts and the ecclesiastical judges, have kept themselves within their proper jurisdiction, without encroaching or usurping one upon another; and, when such encroachment or usurpation have been made, they have been the seeds of great trouble and inconvenience¹."

At the Restoration, Church and State seemed to start afresh, with the old Constitution more firmly founded on the goodwill of the people than ever. But few knew at that time how great a change had taken place during the last twenty years, or could guess how short was to be the duration of the happy prospect with which they set out. It would have been impossible, even under a better king than Charles, to return in all points to the ancient condition of England. The old feudal land-

¹ Fourth Institute.

marks were of necessity swept away at once, and the state of things under which we are now living took their place. Silently and unobserved, one important outwork of the Church vanished into the past. Taxation was to undergo an entire change, a process of centralization; the clergy were to relinquish their most ancient privilege of taxing themselves. They had scarcely any choice in the matter; they made no remonstrance; they seem not to have foreseen the natural consequence, but that consequence was most momentous. Convocation lost its chief guarantee for a place in the Constitution. There was no longer now the same cogent reason for summoning it as before; and the kings who would have summoned it for Church purposes had passed away.

With a profligate monarch, whose heart, so far as he had one, was at Rome, and "who so plainly shewed that he considered religion a farce that he could not properly be called a hypocrite," a Court as bad, of course, as its king, a people relapsing by force of reaction into licentiousness, the Church betrayed, insulted, neglected, attacked, went through a period of depression only less afflicting than when she suffered with her murdered Sovereign. But she had learnt her lesson; and if she lost the support of those to whom she was entrusted, she gained that affection amongst the people which she has, as far as she has reached them, retained ever since. Her inner life also was illustrated by great Divines: the best type of laymen arose within her pale. Izaak Walton and Browne, and Boyle, and Evelyn, and Nelson, were but specimens of a class of men which adversity had bred. Thus before the suspension of her self-government had time to develop its injurious effects, her rights and privileges had been safely stored

up in the country parishes, the halls, and the cottages of the entire realm. Her rights were indeed recorded in plain language enough, for in the first money-bill by which the clergy were taxed along with the laity a clause was inserted to the effect that "nothing herein contained shall be drawn into example to the prejudice of the ancient rights belonging to the Lords Spiritual and Temporal and clergy of this realm." But the rights, however protected in words, were not used in fact. Grievances were now unredressed because the sense of justice was no longer quickened by the want of money. Some slight compensation had, it is true, been gained by the vote for Members of Parliament now first placed in the power of the clergy; but the voice of the Church, which, by the Constitution, should be constantly heard, was silent; her influence, which, by the nature of the case, ought to be publicly exerted for the good of all, was paralyzed. The rulers of the land cared little enough for the State, but for the Church still less; and her relations to the State, thus mutilated by the unconstitutional suspension of her Synods, were not readjusted. Can it be said with truth that they have been properly readjusted since those days?

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The Restoration period brought into prominence the new difficulties with which, though without any diminution of the old, the relations of Church and State had henceforward to contend. Nonconformity—to use the most comprehensive word—never, after its defeat at the Restoration, really recovered itself: but it was still a great political power. The Church, in an evil day, lent herself to Parliament for the purpose of keeping in subjection what Parliament, speaking the voice of the great mass of Englishmen, felt to be the common

enemy. Something may be said for the Test Act; its policy must not be judged from the nineteenth-century point of view; men were blinded with fear lest the perils of the past should recur: if the Establishment were to prevail perhaps it could only at that time be secured at that price^{*}: but there can be no doubt that the future position of the Church was grievously weakened by the close alliance she was thus forced to make with a Government about to become year by year less friendly to her real interests. With Romanism in high places and ever imminent on one side, with Dissent, on the other, strong enough to be used as a political tool by the hand of power, with a Latitudinarian school springing up within herself, the misshapen offspring of an age that had been thrown off its balance, an age of "light without love," her danger was great; yet, through her firm hold on the mass of the people, she was enabled, surely we may say by God's Providence, to hand down at least the traditions of her rights, along with her unchanged faith, through the darkness of the next century. Sometimes, indeed, she was even able to claim the exercise of those rights.

The hold she had on the people taught the world a lesson in the reign of James II. From the Church came the political salvation of the country. The Universities, and, notably, Oxford, gave the first impulse to the national resistance. The trial of the Seven Bishops was the rallying cry of a realm. Its significance could not be ignored. Statesmen might feel little gratitude for the services thus rendered by the Church, but they learnt her power. They shaped their course accordingly. It became their policy to sap her influence, to play off parties within herself against one

^{*} See Bishop Warburton's defence of the Test Act.

another, to withhold her rights and privileges as far as they dared, to teach her to forget her independence.

As the Church bore her full share in the Revolution of 1688 the compact between Church and State was now more solemnly ratified than before. The Coronation Oath was fixed as it now stands,—a solemn record of the monarch's obligation to the Church, and the Church's Parliament was duly summoned to consider the ecclesiastical state of the realm. Thus, after a long interval, we find Convocation again exercising its proper functions on the important question to which the King was pledged, the comprehension of Dissenters. We are not about to discuss that question: but it falls into our plan to observe that the session of Convocation made it at once apparent that the Revolution had not diminished the difficulties of the Church. It had in fact added another of no small magnitude. The secession of the Non-jurors not only carried off from the Church the ablest and most devoted men, the very men most wanted at this critical juncture, but also bequeathed a political taint to what they left behind. If the new King were to continue on the throne, he had (at first at any rate) but little choice in the matter of Convocation. The political condition of England was too critical; it would not, as a matter of fact, bear the strain of an opposition to Government within that body. Thus the continuance of the practice of the preceding kings—those kings who so ill performed their duty either to Church or State—was only too plausibly excused. It was ten years before Convocation sat again.

And so for the second time the proper independence of the Church suffered from political causes external to herself. We have seen that the usurpations of the

Papacy had forced her into a questionable position with regard to the Crown, and, though her rights had never been repudiated, that the freedom of their exercise had in the course of time been impaired. The affection of a large portion of her members to the exiled family was now to offer a similar impediment. But the purely accidental character of both grounds of restriction is of itself the best possible proof of the essentially just character of her claims. It is obvious that when the political accidents had passed away, when the repression of Constitutional rights which temporary necessity had brought about could no longer be said to be required, then the normal state of things returned. To continue impositions which a just dread of Rome at one time, and a justifiable dread of Jacobitism at another, had produced, up to periods when Roman and Jacobite political power had ceased to exist, was more than injustice; it was tyranny. It was a policy as short-sighted as tyrannical, for the Church's deprivation of her rights could not but re-act upon the State; and it did re-act. Yet it has been reserved for our own times to perceive and to attempt to redress the wrong.

But before we speak of the Georgian era, we must notice how, in the circumstances of that agitated period which preceded the final suppression of Convocation, out of evil came forth good.

The Jacobite leaven working among Churchmen no doubt added to the activity of those who, towards the close of William's reign, effected the temporary revival of Convocation, but it did not create the spirit which gave them the victory. There was a vehement feeling of indignation throughout the country at the suspension of the Church's Synods in that reign, and the controversy it evoked has produced monuments

of learning on the question from which all subsequent times have drawn. It will be enough in this lecture to mention the three works to which every one who wishes to understand the controversy must refer.

The celebrated "Letter to a Convocation Man" aroused the whole nation. It was short, pithy, vigorous, and eloquent; and being supposed, as indeed is most probably true, to be written by a lawyer, Sir Bartholomew Shower, it carried the greater weight^s. The next was the far more elaborate work of one whose busy presence we find from first to last during the movement.

Atterbury's "Rights, Powers, and Privileges of an English Convocation," followed up the first blow. So ably, so vehemently did he follow it up, that it was once said that though truth might be with Wake (his great antagonist) the appearance of it was with Atterbury^t. These two works produced the revival of Convocation. The third work to which reference has been made is Wake's "State of the Church and Clergy of England." It is not the first of that great author's treatises on the subject, but it is his greatest and most matured production, exhausting every notice of English Synods from the earliest times to his own. He and Atterbury were no unworthy combatants. But it should be observed that they do not differ so much as is sometimes supposed. The controversy is often

^s Of the two supposed authors, Sir B. Shower and Dr. Binkes, an examination of the copies in the Bodleian Library rather favours Mr. Perry's belief ("History of the Church of England,") that the former has the best claim. Mr. Lathbury quotes the Atterbury correspondence in favour of Dr. Binkes, but his references fail to bear out his view. He is no doubt right in repudiating Atterbury's authorship of the paper. (Lathbury on Convocation, p. 344.)

^t Quoted by Lathbury, "History of Convocation," p. 393.

spoken of as one of principle. It was only a difference of detail. Wake contended for a greater power in the Crown as to summoning Convocation than Atterbury admitted, and for a greater power of action in the Upper House, but his general conclusions on the claims of the Church are as decided as his opponent's, and his distress at the suppression of Convocation no less pronounced. These are his words, the words of the champion of the *Regale*, the favourite of the Court, the future Archbishop. "Should we be ever so unhappy under a Christian magistrate, as to be denied all liberty of these assemblies, though the governors and fathers of the Church should with all their care and interest endeavour to obtain it—should he so abuse his prerogative as to turn it not only to the detriment but to the ruin of all true religion and morality among us—in such case of extremity I have before said, and still adhere to it, that the Bishops and Pastors of the Church must resolve to hazard all in the discharge of their duty^a."

An extract or two from the famous "Letter to a Convocation Man" above mentioned, may not at this point of our survey be unacceptable. "In plain English," says the author, writing in 1697, "I think if ever there was need of a Convocation since Christianity was established in this kingdom, there is need of one now; when such an open looseness in men's principles and practices, and such a settled contempt of religion and the priesthood have prevailed everywhere, when heresies of all kinds, when scepticism, deism, and atheism itself, overrun us like a deluge, when the Mosaic history has, by men of your own order, been cunningly undermined and exposed under pretence of

^a "State of the Church," &c., p. 86. See the whole page.

explaining it, when all mysteries in religion have been decried as impositions on men's understandings, and nothing is admitted as an article of faith but what we can fully and perfectly comprehend. . . . There is need of it to give a check to the further proceeding of these loose and pernicious opinions, or if that cannot be done, yet at least to remove the scandal which their growth and impunity have brought upon this Church and nation. A Convocation seems necessary not only for the sake of the faith and doctrine of our English Church, but even to preserve the faith of any revelation." "If after all it should be pretended that the proper way of redressing these mischiefs and grievances is by Parliament, to this it may be replied that such a method is in the nature of the thing improper. 'Tis a little too much to suppose country gentlemen, merchants, or lawyers, to be most skilled in the languages of the Bible, masters of all the learning of the Fathers, or of the history of the Primitive Church, which they must be in some measure who sit judges of religious doctrines and opinions. . . . Besides, the ascribing such a power to either of the two Houses or to both of 'em together, is to confirm the ground of the Papist's cavil at our Reformation, when they say that our religion is merely Parliamentary, and changeable at the will of the Prince and of the majority of the Peers and Commons, an assertion which I believe there is no worthy member of either House but would reject with disdain. . . . They were wise enough to know that the preserving the Constitution is the best way to preserve their true and real interests, and that the Constitution can no otherwise be upheld than by the several parts of it being preserved in their just rights and powers,

allowed to act in their proper spheres, and circumscribed within 'em. Convocation is an ecclesiastical Court or assembly essential to our Constitution and established by the law of it, by the same law as the gentleman receives his rent, or the member enjoys his privilege. The same arguments used for stated and regular Parliaments exactly apply to Convocation. The king has no right to withhold his summons."

Of Atterbury's style the following extract may serve as a specimen. It occurs both in the Preface to the work before named and in the famous pamphlet called "The Mitre and the Crown." "Those Divines who read lessons to princes how to strain their ecclesiastical power to the utmost without exceeding it, and how to oppress their clergy legally, are surely not the best men of their order. They are Church-Empsons-and-Dudleys, and usually find the fate of such wretched instruments, to be detested by the one side and at last abandoned by the other."

What was the effect of this controversy? How has it left the rights of the Church on this point? Here is a summary by the best modern authority, the late Mr. Lathbury: "The license to make canons ought, according to the opinion of all the men on both sides who took part in the controversy in the time of William III., Anne, and George I., to be granted whenever the Bishops and Clergy assembled in Convocation may represent to the Crown that it is required by the circumstances of the Church." How, then, could these admitted rights be overborne in practice? By a subterfuge. Convocation was summoned with every Parliament, and, after 1717, as regularly immediately prorogued. But how could the nation, which had insisted

on the revival, allow the disuse, of Convocation? No doubt the disputes which raged within that body were the principal cause. But it is equally certain that these disputes were more or less connected with the Jacobite struggles of the day. The Crown-appointed Whig Bishops were, to use the phrase then first adopted, Low Churchmen, and against them the Lower House, consisting chiefly of Tories and High Churchmen, were perpetually at war, not always by any means upon frivolous grounds. The nation grew weary of these bickerings, the best excuse for which is to be found in the times themselves; and the statesmen dreaded them. Yet it must be maintained that never could a body of Churchmen point to their acts with more pride than Convocation to those which were the immediate cause of their suppression. It would indeed have been unworthy of the name of a Synod if it could have passed over attacks on fundamental principles so subversive of all ecclesiastical discipline as those of Hoadley. And count up the faults as we may of the "angry insects" over whom the "State was about to scatter a little dust," to use Mr. Hallam's elegant and courteous metaphor^x, it has been remarked by a late and very moderate writer that their "censures of books, with the exception of Burnet's 'Exposition,' were always just^y." Nor should we in common fairness forget that the obscurity which hung about the respective rights of the two Houses of Convocation was in great measure due to the long suspension of their exercise, and that the relative position of the two lay Houses of Parliament has itself been a matter for fierce con-

^x Hallam's "Constitutional History," vol. iii. p. 247.

^y Perry's "History of the Church of England;" see also Joyce's "England's Sacred Synods."

tention throughout Parliamentary history. The active exercise of functions produces precedents, and precedents produce law. It is as unreasonable to make the struggles of this period an argument against the Church's privilege as to sneer at the want of weight in the unreformed Convocation existing at this moment, and yet to resist all attempts to reform it.

That short period of seventeen years to which we have referred was the last opportunity the Church has had to place herself in her just and Constitutional position towards the Government, towards the members of her own body, and towards Dissenters. For a time the favour of Queen Anne and the affection of the people had made the Church a great political power. But the times were too disturbed; parties ran too high; too many of the Bishops of the previous reign had for a political reason been carefully selected for their opposition to a Church revival; and it was not surprising that the opposition to them on the part of more independent men should be both obstinate and acrimonious. It was impossible that any permanent settlement could be made, and the golden opportunity was lost.

It was no doubt wisely ordered that the period should have witnessed as much substantial recognition of the Church's independence as it did, and that such recognition should for a long time subsequently be denied. But if we are to account for the shocking decay of religion, the foul corruption of morals, the depravation of taste, the fatal ecclesiastical blunders, yes, and many of the grossest political mistakes of the succeeding century, we shall find it difficult to do so with candour unless we observe how the Georgian era produced a total suspension of the Church Parliament, a wholesale and deliberate abuse of the *Regale* in ap-

pointing Bishops, and a gradual deterioration of the Church's Courts. Yet, in regard of all these points, it must be noticed that the thread of continuity was never broken; and in consequence of the strength that still lay dormant in these unused rights, the orthodoxy of the Church, however decayed in individuals of the body, remained intact in the body itself. Her Formularies, in spite of numerous efforts, now taking the shape of attempts at a fatal amount of comprehension, now of attempts to relax subscription, have, as we know, remained unchanged.

It might be well worth while to inquire how much of the "darkness which might be felt" in the eighteenth century was due to reaction from the brilliant political struggles of the Revolution, and the bitter ecclesiastical contests of Queen Anne's reign, as those were themselves re-actions from the treacherous statecraft and the glittering licentiousness of the preceding period: for there is no one portion of history which does not grow out of all the past: but the coincidence of the moral disgraces of the eighteenth century with the suppression of the Church's rights has struck all impartial observers, and cannot but have weight in such inquiries as the present. That century raises a warning voice. It proclaims that to keep an institution like the Church safely bottled up, as it were,—a sort of possession to be placed on a shelf, protected from encroachment by State edicts, yet on condition of its submitting to be deprived of all that could exercise its life, or expand its energies,—is a suicidal policy, only worthy of Oriental decrepitude². For the time must come when such a timid guardianship

² The Church of the last century is perhaps as much to blame as the State for the surrender of liberties which she might have claimed and even exercised.

must cease perforce. Protection could not long avail. It did not long avail. No provision was made for the change that was sure to come. And when the seething tide of intellectual revolution set in, when men read, and questioned, and scoffed, and combined, when every barrier which the wisdom of ages had raised for the protection of religion and society seemed about to be swept away, it was no wonder that all but the most courageous despaired. We need not describe how the country was saved, under Providence, by the meritorious efforts of a good and sensible, if not clever monarch, by the abilities and magnanimity of certain great Statesmen, by the grand intellect of a few literary men, by the preaching of some ardent clergymen, by the agency of great religious societies, through the fiery furnace of war, and the still more fiery conflict of opinion; till, at length, what may almost be called a new England once more emerged out of the ashes of the old, and a population nearly doubled in amount, stood confronted with new problems of social life, new political combinations, new forms of Dissent, and—the same ancient, venerable Church.

It is enough to point out how the years 1828, 1829, and 1832, which witnessed the Repeal of the Test and Corporation Acts, Roman Catholic Emancipation, and the Reform Bill, all made necessary by the changes which the country had passed through, were the boundary between the times when the old relations of Church and State, however defective, were defensible, and the times when they became only tolerable under vigorous protest, and on condition of every member of the Church devoting himself to obtain their re-adjustment.

Henceforward we have a new political sense of the word Church taken in its connection with the State. We have seen it under an incorporate union, when the Church may almost be said to have meant the State regarded in its ecclesiastical aspect: and we have seen the sense of the word narrowed to mean the great ecclesiastical body, grouped round the working clergy. From the Reformation to the reign of William IV., we are conscious of a constant confusion between the two senses of the word, intensified by the growing discrepancy between the theory of the Church as co-extensive with the State, and the fact. But since that date this generation has been in contact with a different sense again. Church and State being no longer in theory co-extensive, the Church now only means that part of the people which remains within the old spiritual corporation, and with which the State, the whole body of Churchmen and non-Churchmen, in their political aspect, is in alliance.

The measures of the years above-mentioned did in reality completely upset the balance which had hitherto been preserved: and the perception of this fact is the best justification for the dogged obstinacy with which some of them were resisted. The question was not only, How is the Government to be carried on?—but,—How are Church and State to be kept together? Men might be excused for not perceiving the answer. With a Parliament no longer consisting of the Church's friends, and that Parliament coming more and more into the place of the Crown, how different, not only in the degree of interference implied, but in kind, was the old *Regale* under the new *régime*! How much weakened was the protection of the Sovereign's Coronation Oath, when the power of the Prime Minister

was so largely increased, and when the House of Commons, which virtually created him, was so differently composed! The State had begun to relapse into the condition of heathen Empires; Church and State were no longer under any theory *one*.

It was well that the discovery of these startling results was not made too early or too suddenly. It might have produced a hasty disruption instead of a wise amendment. No after repentance could have availed against a false step once taken. But when in the opinion of many the time seemed to have come for a fresh spoliation on the model of Henry VIII., then for the third time since the Revolution arose the cry of the "Church in danger,"—the old cry, scoffed at by those who know and dread its power, but never, it may perhaps be said, raised without cause. As the voice of the people pronounced itself more and more clearly, as the clergy and increasing bodies of the laity sprang to their posts, as in the minds of the better-educated faith revived, as the intellect of the age began to bend itself to the problem now put before it, as the last hope that the *congé d'élire* was anything but a mockery collapsed at a touch, as the final depravation of the Court of Appeal became more apparent, so,—gradually, at first with faintness, then with ever-increasing sharpness, the outlines of the great Church liberties which we have traced through so many ages, began to loom through the mist. Men began to see that while on the one hand the people were determined to keep their ancient Church, endeared to them by its old ties, and, now, by its new life, on the other hand that Church must be restored to a condition which the spirit of the original compact, almost destroyed, might once more penetrate.

This is the meaning of the demand which has been made in our own times for the revival of Convocation (of late happily effected ^a),—for a proper Court of Final Appeal,—for some voice in, or at least a veto on, the election of Bishops,—and for immunity from all handling of the Church's doctrine or discipline, directly or indirectly, by any but her own assemblies. It was one thing, said the modern reformers, to bear a suspension of rights from the Government of a State nominally one with, and theoretically friendly to, the Church, as, for instance, even in pre-Reformation times, the Church had to bear it during the reign of William Rufus; it was another to be placed for the most part in the condition of the sects, and not to be allowed the privileges those sects enjoyed; privileges secured by charter, and only suspended by political accidents long since vanished; privileges no longer in the remotest degree dangerous to the State; privileges not only vital for the Church, but for the sects themselves; privileges absolutely required for the practical development of the Church amidst the millions whom she has not reached at home and abroad. Without entering on political discussions it is scarcely too much to say that the men who have used such language have spoken the language of history as well as common sense.

For have we not seen how these privileges are inherent rights, how they have been so in all ages and in all branches of the Church, and how, where most overlaid abroad, a substitute is practically found in other

^a The demand for the *Reform* of Convocation rests on different grounds. If rights have been so long suppressed that when restored they require an adjustment which must have taken place had not their exercise been suspended, the strongest possible moral claim to adjustment must be admitted, but this is not absolutely the same thing as a direct and legal claim.

ways? With us it has been shewn there are no other ways. On the one hand, the Church has not reached great masses of the population; on the other, she cannot, till Rome throws off her corruptions, derive support from Western Christendom. This age, more than any other, has been thrown back on its own English resources. Present responsibilities can only be read in the history of the past, and we have asked the past. The jewel of ancient Doctrine along with a true Priesthood is yet preserved in the Church of England, or it would cease to be a true Church. What reason have Englishmen, grounded either on history or analogy, for believing that the jewel can be retained unless the decayed and tottering sides of the casket are kept in repair?

Happily, in a self-governed country like England, with institutions evolved out of the struggles of many ages, and yet never broken by revolutions, there is always a self-adjusting process going on, which in the course of time reconciles the most jarring claims. Reason and Time in such a nation have a tendency to form, however slowly, a correct public opinion. Let the most powerful classes of the land, those middle classes amongst which the Church has in this generation taken so much deeper root than in the last, once clearly perceive the nature of the inheritance into which they have come, let them once entertain the notion that spiritual independence on the part of the Church (an independence which does not exclude the action of the Church laity in her affairs) is an absolute necessity, if it is to be a Church at all^b; let them once understand the difference between

^b "The Church herself must be in her sphere as intact and as free as the State in hers."—(*Guizot, quoted by Mr. Fuller, "Court of Final Appeal,"* p. 67.)

the influence of State-government on such a body when that Government is wielded by a *Rex pius*, a Constantine, a Charlemagne, a Saint Louis, or even an Elizabeth, and when wielded by a body of rulers many of whom are not by profession Churchmen, and they will see that if things are not to come to a dead lock, forbearance is necessary in the use of their undeniably great power. On the part of the Church as well as of the State, there must be the greatest moderation in pushing claims, a spirit of conciliation rather than a reckless rushing to extremities.

No one can imagine that civil liberty ought to cease to be as jealously guarded as ever, but common sense is daily shewing that much of the jealousy of ecclesiastical agency on this score is a mere bugbear, too often dishonestly flaunted by designing men. If we may venture to look a little into the future we may prophesy that the management of Church affairs will very soon be left more and more to Churchmen, and instead of enfeebling, from a vague fear of some latent injury to the State, every effort on their part to attain a condition of healthy action, that the love of freedom and openness and discussion, which has led to such great results in English politics, will, as time goes on, extend itself to the feelings of Englishmen generally in reference to the Church; while in the Church's own free, independent action, and free debate, will be found the true antidotes to those poisons over which men have mourned in past history and which they dread in the future. In short, the increased freedom of the State must necessarily bring with it increased freedom to the Church; and within that body itself the difficulties which beset the reconciliation of authority and liberty will be overcome through the organized co-operation of the dif-

ferent ranks of the clergy and Church-laity, through the increased efficiency of Church institutions too long disused.

For the Church herself no one need fear when she is once aroused. As Parliament and people did not make her, so, as Archbishop Trench in his Primary Charge has nobly said, Parliament and people cannot mar her^c. The danger of the day, the danger which every educated man should set himself to combat, is for the State. If it does not solve the problem of its time, a problem no more difficult than those of many another time, it may cut itself off from that which at present forms its chief glory. It is not easy to see how the connection of Church and State, if it is once broken, can ever be repaired.

^c And yet, true as this is, the danger of Erastianism is not imaginary. It was said by perhaps the acutest of all the champions of the faith at a dark period of our history, that "the Erastian principle has had two visible effects in England; that it has turned the gentry Deists, and the common people Dissenters; for the Dissenters, one and all, from Presbyterians down to Muggletonians, pretend to Divine Commission independent of all the powers upon the earth; therefore the people run to them and look upon the Church of England as a Parliamentary religion and establishment of the State; and the Deists, when they find themselves in committees of religion, can never think that there is anything Divine in that which they see stand or fall by their vote."—(Leslie's "*Case of the Regale*," p. 611.)

For an unanswerable defence of the liberties of the Church see the speeches of Bishops Blomfield and Wilberforce, and the Earl of Derby, then Lord Stanley, in the debate in the House of Lords in 1850. (This has been lately made more accessible by being quoted almost *in extenso* in Fuller's "*Court of Final Appeal*.")



